

### **REMARKS**

This is a Reply to the Supplemental Advisory Action and Notice of Non-Compliant Amendment dated April 30, 2009, and Final Office Action dated December 10, 2008. Applicant has deleted the duplicate claim 24 to overcome the objection noted in the Notice of Non-compliance. Approval is respectfully requested.

Applicant thanks the Examiner for carefully considering the present application.

#### **Status of Claims**

After this amendment, Claims 9-15, 19-32 and 34-37 are currently pending. Claims 9 and 22 are independent.

Claims 22-36 are rejected under 35 USC § 101 for being directed to nonstatutory subject matter. Claims 9-11 and 22-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,956,487 to Venkatraman et al. (“Venkatraman”). Claims 12-17, 25-30, 34, 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Venkatraman in view of U.S. Patent No. 5,982,445 issued to Eyer et al. (“Eyer”). Claims 20, 21 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Venkatraman in view of U.S. Patent No. 5,432,789 issued to Armstrong et al. (“Armstrong”). Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Venkatraman in view of U.S. Patent No. 5,724,510 issued to Arndt et al. (“Arndt”). Claims 18, 19, 31 and 32 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over Venkatraman and Eyer in view of U.S. Patent No. 5,974,449 issued to Chang et al. (“Chang”).

## **Claim Amendments**

Claims 9, 10, 12, 14, 19, and 20-22 are amended for clarification. Claims 16-18 and 33 are canceled without prejudice. No new matter is added. As the amended claims contain limitations previously presented, no further search is required and Applicant's remarks should further clarify the claimed invention over the cited prior art.

## **Rejection under 35 USC §101**

Applicant's claim 22 includes the limitations of "a server device *coupled to a memory device for storing web page files*" (emphasis added). It is asserted in the Office Action that a server device and a client device are software. Applicant respectfully disagrees. It is quite well known in the art that the definition of the term "device" is "a piece of equipment or a mechanism designed to serve a special purpose or perform a special function <an electronic *device*> (see, e.g., Merriam-Webster online dictionary). Further, it is quite clear from Applicant's specification that the system includes hardware devices. As there are too many instances of hardware descriptions in Applicant's specification, Applicant hereby submits a few examples: Paragraph [0044] "a 'client' is a device providing control interface service to a human operator, including *a graphical display hardware* for down communication and a mouse or other point-and-click device for up (or return) communication" (emphasis added); paragraph [0046], "in order to be able to post actions to control *their own hardware, all home network DTV devices preferably have server capability*" (emphasis added); paragraph [0046], "a server typically includes a custom, built in, control program to implement control of *its own hardware*" (emphasis added).

Moreover, Applicant's amended claim 22 contains the limitations of "*a server device including a processor coupled to a memory device for storing web page files; a client device connected to the server device via a home network*" (emphasis added). It is clear that a client device including a memory device is a physical apparatus, i.e., hardware. Further, a device is a physical apparatus, i.e., hardware. Therefore, Applicant respectfully asserts that claims 22-36 contain statutory subject matter.

Accordingly, withdrawal of the rejection of claims 22-36 is respectfully requested.

### **Rejection under 35 USC § 102(e)**

Rejection of claims 9-11 and 22-24 under § 102(e) as being unpatentable over Venkatraman is respectfully traversed because for at least the following reasons, Venkatraman does not disclose all of the claimed limitations.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

The claimed invention is directed to a method and system for a server device to communicate with a client device in a home network. Independent claim 9 requires, in part, *generating a device link file*, wherein the device link file identifies the plurality of *server devices*, wherein generating the device link file includes: associating a logical device name with each of the plurality of *server devices*; and storing the plurality of logical device names in the *device link file*; and *creating a device link page including device controls associated with the plurality of server devices identified in the device link file*, wherein the device link page includes at least one device control for each of the plurality of server devices, wherein creating the device link page further includes: *retrieving the plurality of logical device names from the device link file; storing the plurality of logical device names in the device link page; and converting the plurality of logical device names to the device controls* (emphasis added).

By contrast, Venkatraman fails to disclose at least the above-mentioned claimed limitations.

Venkatraman discloses that a user enters a URL on a browser (client) and receives a webpage from a server (Venkatraman, col. 7, lines 36-51, col. 5, lines 36-42). The application that allows a user to enter the URL in Venkatraman is pre-set with links of devices that are selectable. That is, the URLs of the devices connected in the network are known. Therefore, in Venkatraman, a user enters a URL (e.g., clicking on a URL link) as a “first request” and the requested device can send a webpage as “characteristic data” to the client device.

In Applicant’s claimed invention, device characteristic data sent by the server device in response to a first request signal is not a web page but a properties file (see Applicant’s specification, page 3, lines 18 - 21; page 13, lines 1-5; and page 19, lines 1-4) that identifies the server device and is used in creating a device link page by the client device (see Applicant’s specification page 19, lines 4-6). Distinguishably, in Venkatraman, a device web page 18 sent

by the web server in response to a first HTTP command is a web page (Venkatraman, col. 3 lines 27-32; and col. 7 lines 44-46). Therefore, a device web page 18 in Venkatraman does not correspond to device characteristic data in “sending server *device characteristic data that identify the server device from the server device to the client device in response to the client device transmitting a first request signal generated by said client device and sent to the server device*” (emphasis added), as the instant Office Action asserted, and thus, Venkatraman fails to disclose the device characteristic data.

A device link page contains server device controls (home device buttons) (see Applicant’s specification, page 18, lines 15-16). A second request signal is generated by the client device when a user selects a server device control associated with the server device, and a web page sent by the server device in response to a second request signal is a top-level page of a home device or a device's home page of the server device (see Applicant’s specification, page 18, lines 16-20; page 10, lines 3-7 and lines 16-18). A device's home page sent by the server device in response to a second request signal defines the control and command functions for the server device (see Applicant’s specification, page 10, lines 16-18). In Venkatraman, the device's home page corresponds to a device web page 18 sent by the web server in response to a first HTTP command that defines a set of user interface functions for the device 10 (Venkatraman, col. 3 lines 27-32; and col. 7 lines 44-46).

Further, a device's home page may contain embedded references to other related HTML files than the device's home page (see Applicant’s specification, page 10, lines 18-19) as like a

device web page 18 in Venkatraman includes a set of hyperlinks 66-68 that direct the web browser to other web pages (Venkatraman, col. 6, lines 59-62; and col. 7, lines 5-7). Therefore, the hyperlinks 66-68 correspond to embedded references, and do not correspond to server device controls, as the instant Office Action asserted, and thus, Venkatraman fails to disclose server device controls.

Moreover, in Venkatraman, a web page 18 including a set of hyperlinks 66-68 does not correspond to a device link page containing server device controls, and a device link page is not disclosed. A first HTTP command in Venkatraman corresponds to a second request signal, and does not correspond to a first request signal as the instant Office Action asserted. Thus, Venkatraman fails to disclose a first request signal.

Further, in Venkatraman, other web pages sent by the web server in response to a second HTTP command correspond to other related HTML files sent by the server device in response to a third request signal, and do not correspond to a web page sent by the server device in response to a second request signal as the instant Office Action asserted. Rather, in Venkatraman, a web page corresponds to the device web page 18. A second HTTP command corresponds to a third request signal, and does not correspond to a second request signal as the instant Office Action asserted.

In Applicant's claimed invention, the following three broad steps for a server device to communicate with a client device are recited, of which the following (p1) and (p2) are contained

in Applicant's claims 9 and 22:

(p1) sending server device characteristic data (a Properties file) in response to a first request signal generated by the client device;

(p2) sending a web page (a device's home page) in response to a second request signal generated by the client device;

(p3) optionally, sending other related HTML files in response to a third request signal generated by the client device.

Distinguishable, Venkatraman discloses only the following two broad steps for a web server to communicate with a web browser, which correspond to steps (p2) and (p3) of the present application:

(v1) sending a device web page 18 in response to a first HTML command generated by the web browser;

(v2) sending other web pages in response to a second HTML command generated by the web browser.

In Applicant's claimed invention, the webpage of the server device is not transmitted to the client until the second request is made from the client, and the second request signal is generated in response to said server device characteristic data. It can readily be seen that the characteristic data cannot be the webpage, which is distinguishable from Venkatraman. Additionally, Venkatraman fails to disclose sending a web page in response to a second request



signal generated by the client device of the present application, as required by claims 9 and 22 of the present application.

Further distinguishable, Venkatraman does not teach, disclose or suggest “*generating a device link file*, wherein the device link file identifies the plurality of server devices, wherein generating the device link file includes: *associating a logical device name with each of the plurality of server devices; and storing the plurality of logical device names in the device link file*; and *creating a device link page* including device controls associated with the plurality of server devices identified in the device link file, wherein *the device link page includes at least one device control for each of the plurality of server devices*; and *creating a device link page including device controls associated with the plurality of server devices identified in the device link file*, wherein the device link page includes at least one device control for each of the plurality of server devices, wherein creating the device link page further includes: *retrieving the plurality of logical device names from the device link file; storing the plurality of logical device names in the device link page; and converting the plurality of logical device names to the device controls*” (emphasis added), as required, in part, by amended claim 9, or “*a detector for detecting an active status of devices currently connected to the home network*” (emphasis added), as required, in part, by amended claim 22.

In view of the above, Venkatraman fails to disclose the claimed invention as recited in independent claims 9 and 22 of the present application. Therefore, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Venkatraman. Thus, independent claims 9 and 22 are patentable over Venkatraman for at least

the reasons discussed above. Additionally, the claims that directly or indirectly depend on claim 9 and 22, namely claims 10-11, and 23-24, respectively, are also not anticipated by Venkatraman for at least the same reasons.

Regarding claims 10 and 23, Applicant further respectfully submits that Venkatraman further fails to disclose the steps of sending (by the server device) said server device characteristic data to client device, as claimed. The instant Office Action has equated the remote web pages (hp.com) to the claimed “server device,” and the remote servers as taught by Venkatraman merely send information stored therein, such as service and product information, to the user, but do not send the “server device characteristic data” as claimed. Thus, claims 10 and 23 should be allowable for at least these additional reasons.

Regarding claims 11 and 24, Venkatraman further fails to disclose that the server device “comprises a home device” as claimed. As discussed above, the instant Office Action has equated the remote web pages (hp.com) to the claimed “server device,” and the remote servers as taught by Venkatraman clearly are not “home devices” as claimed. Thus, claims 11 and 24 should be allowable for at least these additional reasons.

Accordingly, withdrawal of the rejection of claims 9-11 and 22-24 is respectfully requested.

### **Rejection under 35 USC § 103(a)**

*Claims 12-17, 25-30, 34, 35 and 36*

Rejection of claims 12-17, 25-30, 34, 35 and 36 under § 103(a) as being unpatentable over Venkatraman in view of Eyer is respectfully traversed because the claims include limitations not taught or suggested by the cited references, whether considered separately or in combination.

According to MPEP §2142,

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that ‘rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, “[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in *Graham*.” And, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, “[t]he

mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” *KSR International Co. v. Teleflex, Inc.* 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007).

Additionally, according to MPEP §2143,

[a] statement that modification of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

As discussed above, Venkatraman fails to show or suggest all of the claimed limitations of the base claims 9 or 22. Eyer, which is directed to an HTML protocol for television display and control, fails to supply that which Venkatraman lacks. Thus, Venkatraman and Eyer, whether considered separately or in combination, fail to show or suggest all the claimed limitations of dependent claims 12-17, 25-30, 34, 35 and 36.

Further, there is no reason, motivation or suggestion to combine Venkatraman and Eyer. The remote web pages (hp.com), as taught by Venkatraman, has been equated to the server devices in a home network. A web page URL, however, cannot be equated to a server *device*.

Applicant further respectfully submits that, contrary to the assertions made in the instant Office Action, Eyer does not show or fairly suggest “*generating a device link file*, wherein the

device link file identifies the plurality of server devices, wherein generating the device link file includes: *associating a logical device name with each of the plurality of server devices; and storing the plurality of logical device names in the device link file; and creating a device link page* including device controls associated with the plurality of server devices identified in the device link file, wherein *the device link page includes at least one device control for each of the plurality of server devices; and creating a device link page including device controls associated with the plurality of server devices identified in the device link file*, wherein the device link page includes at least one device control for each of the plurality of server devices, wherein creating the device link page further includes: *retrieving the plurality of logical device names from the device link file; storing the plurality of logical device names in the device link page; and converting the plurality of logical device names to the device controls*” (emphasis added), as required, in part, by amended claim 9, or “*a detector for detecting an active status of devices currently connected to the home network*” (emphasis added), as required, in part, by amended claim 22.

Col. 12, lines 31-35 of Eyer (relied upon in the instant Office Action) reads:

[t]he screen, shown generally at 500, includes a “TV control” field 510, a “Home Systems” field 530, and an “Audio Center” field 550. The TV Control field 510 allows a user to control various television related functions.

From the above passage, it appears that the Examiner has equated the screen 500 as taught by Eyer to the claimed “menu for selecting said server device among a plurality of server devices.” However, the screen 500 in Fig. 5 does not show a “menu for selecting said server

device.” Instead, Fig. 5 of Eyer simply discloses a screen with display data for selecting television and non-television appliance function calls. There are no menus shown or otherwise disclosed for selecting server devices.

Further, the assertions made in the Office Action on pages 5-7 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP § 2143 cannot be found. Additionally, since the combination of Venkatraman and Eyer does not teach, disclose or suggest all the limitations of Applicant's claims 9 and 22, as listed above, Applicant's claims 9 and 22 are not obvious over Venkatraman in view of Eyer since a *prima facie* case of obviousness has not been met under MPEP § 2142. Thus, claims 9 and 22 of the present application are patentable over Venkatraman in view of Eyer for at least the reasons set forth above. Additionally, the claims that directly or indirectly depend on amended claims 9 and 22, namely claims 12-17, and 25-30 and 34-36, respectively, are also patentable over Venkatraman in view of Eyer for the same reasons as asserted above.

Accordingly, withdrawal of the rejection is respectfully requested.

*Claims 20, 21 and 33*

Rejection of claims 20, 21 and 33 under §103(a) as being unpatentable over Venkatraman in view of Armstrong is respectfully traversed because the claims include limitations not taught or suggested by the cited references, whether considered separately or in combination.

As discussed above, Venkatraman does not teach, disclose or suggest Applicant's "generating a device link file, wherein the device link file identifies the plurality of server devices, wherein generating the device link file includes: *associating a logical device name with each of the plurality of server devices; and storing the plurality of logical device names in the device link file; and creating a device link page including device controls associated with the plurality of server devices identified in the device link file, wherein the device link page includes at least one device control for each of the plurality of server devices; and creating a device link page including device controls associated with the plurality of server devices identified in the device link file, wherein the device link page includes at least one device control for each of the plurality of server devices, wherein creating the device link page further includes: retrieving the plurality of logical device names from the device link file; storing the plurality of logical device names in the device link page; and converting the plurality of logical device names to the device controls*" (emphasis added), as required, in part, by amended claim 9, or "*a detector for detecting an active status of devices currently connected to the home network*" (emphasis added), as required, in part, by amended claim 22.

Armstrong is relied on for disclosing detecting that the server device is currently connected to the network. Even if Armstrong is combined with Venkatraman, however, the result would not teach, disclose or suggest the limitations contained in Applicant's amended claims 9 and 22, as listed above.

Further, the instant Office Action has equated an individual home page contained within an individual device as taught by Venkatraman to the claimed “device link page,” and has further equated the remote web pages (hp.com) linkable from the individual home page contained within an individual device to server devices, which are respectfully traversed. The hyperlinks added to the HTML file are to websites, such as the manufacturer, parts list, etc. These hyperlinks are to separate existing web pages, not to a server device. Armstrong similarly fails to show or suggest the claimed “*device link page*” (emphasis added).

Regarding claims 20, 21 and 33, in Applicant's claimed invention, once the server device is connected to the network and powered on, the device broadcasts its presence and is detected (Pub. 2004/0103184, par. [0054], [0083][0089]). Venkatraman discloses information transferred to the device 10 controls the functions or operating states of the device 10 (Venkatraman, col. 3, lines 21-26). Distinguishable from the claimed invention, the devices in Venkatraman must be known to the home network before the home network can control the devices. This is easily seen as the device HTML web page file has to be created by an administrator. Armstrong is cited for disclosing detecting a server device is currently connected to a network. There is no reason to add the detection functionality or a detector to detect an active status of a server device currently connected to the home network in Venkatraman as all devices connected in Venkatraman must already be known in order to be used or accessed. Therefore, adding the teachings of Armstrong to Venkatraman would change the principle of operation of Venkatraman, and the teachings are insufficient to render claims 21 and amended claim 22 (claim 33 being canceled) *prima facie* obvious (see MPEP 2143.01 VI, “[i]f the proposed modification or combination of the prior art



would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Further, the assertions made in the Office Action on pages 8 and 9 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP §2143 cannot be found. Additionally, since the combination of Venkatraman and Armstrong does not teach, disclose or suggest all the limitations of Applicant's claims 9 and 22, as listed above, and adding detection functionality to Venkatraman would change the principle of operation, Applicant's independent claims 9 and 22 and dependent claims 20 and 21 (claim 33 being canceled) are not obvious over Venkatraman in view of Armstrong since a *prima facie* case of obviousness has not been met under MPEP § 2142 and § 2143.01 VI. Thus, claims 9, 20, 22 and 23 of the present application are patentable over Venkatraman in view of Armstrong for at least the reasons set forth above.

Accordingly, withdrawal of the rejection is respectfully requested.

#### *Claim 37*

Rejection of claim 37 under § 103(a) as being unpatentable over Venkatraman and Arndt is respectfully traversed because the claims include limitations not taught or suggested by the cited references, whether considered separately or in any combination.

Dependent claim 37 requires, in part, “*upon said server device being powered on a unique IP address for said server device is generated*” (emphasis added). Arndt is relied on for disclosing these limitations. Venkatraman does not need generate a devices IP address. Venkatraman knows that a connected device is associated with a specific URL, which doesn’t change or need to change. Adding the teachings of Arndt to Venkatraman would change the principle of operation of Venkatraman, and therefore the teachings are insufficient to render claim 37 *prima facie* obvious according to MPEP 2143.01 VI.

Further, the assertions made in the Office Action on page 9 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP § 2143 cannot be found. Additionally, since the combination of Venkatraman and Arndt does not teach, disclose or suggest all the limitations of Applicant's claim 9, as listed above, and adding detection functionality to Venkatraman would change the principle of operation, Applicant's independent claim 9 and dependent claim 37 are not obvious over Venkatraman in view of Arndt since a *prima facie* case of obviousness has not been met under MPEP § 2142 and § 2143.01 VI. Thus, claims 9 and 37 of the present application are patentable over Venkatraman in view of Arndt for at least the reasons set forth above.

Accordingly, withdrawal of the rejection is respectfully requested.

*Claims 18, 19, 31 and 32*

Rejection of claims 18, 19, 31 and 32 under § 103(a) as being unpatentable over Venkatraman, Eyer and Chang is respectfully traversed because the claims include limitations not taught or suggested by the cited references, whether considered separately or in any combination.

Chang is relied on for disclosing converting the logical device name to the device control. Even if Chang is combined with Venkatraman and Eyer, however, the result would not teach, disclose or suggest

*sending server device characteristic data that identify the server device from the server device to the client device in response to the client device transmitting a first request signal generated by said client device and sent to the server device; receiving a second request signal requesting a web page contained within said server device and associated with a server device control that distinguishes the server device from other server devices, wherein said second request signal is generated in response to said server device characteristic data; sending said web page in response to said second request signal; generating a device link file, wherein the device link file identifies the plurality of server devices, wherein generating the device link file includes: associating a logical device name with each of the plurality of server devices; and storing the plurality of logical device names in the device link file; and creating a device link page including device controls associated with the plurality of server devices identified in the device link file, wherein the device link page includes at least one device control for each of the plurality of server devices; and creating a device link page including device controls associated with the plurality of server devices identified in the device link file, wherein the device link page includes at least one device control for each of the plurality of server devices, wherein creating the device link page further includes: retrieving the plurality of logical device names from the device link file; storing the plurality of logical device names in the device link page; and converting the*

*plurality of logical device names to the device controls (emphasis added),*

as required, in part, by claim 9, or

*a detector for detecting an active status of devices currently connected to the home network; and a control protocol for the server device to communicate with the client device by: sending server device characteristic data that identify the server device from the server device to the client device in response to a first request signal generated by said client device and sent to the server device; receiving a second request signal requesting a web page contained within said server device and associated with a server device control that distinguishes the server device from other server devices, wherein said second request signal is generated in response to said server device characteristic data; and sending said web page in response to said second request signal (emphasis added),*

as required, in part, by claim 22.

Moreover, as discussed above, the instant Office Action has equated an individual home page contained within an individual device as taught by Venkatraman to the claimed “device link page,” and has further equated the remote websites (hp.com) linkable from the individual home page contained within an individual device to server devices, which are respectfully traversed.

There is no reason, motivation or suggestion to combine Venkatraman, Eyer and Chang.

Additionally, adding the teachings of Eyer to Venkatraman would change the principle of operation, of Venkatraman, and therefore the teachings are insufficient to render claims 9, 18, 19, 22, 31 and 32 *prima facie* obvious according to MPEP 2143.01 VI.

Further, the assertions made in the Office Action on page 10 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under

MPEP § 2143 cannot be found. Additionally, since the combination of Venkatraman , Eyer and Chang does not teach, disclose or suggest all the limitations of Applicant's independent claims 9 and 22, and dependent claims 18, 19, 31 and 32, as listed above, and adding teachings of Eyer to Venkatraman would change the principle of operation of Venkatraman, Applicant's independent claims 9 and 22 and dependent claims 18, 19, 31 and 32 are not obvious over Venkatraman in view of Eyer and further in view of Change since a *prima facie* case of obviousness has not been met under MPEP § 2142 and § 2143.01 VI.

Accordingly, withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests that the rejections of the claims be withdrawn, and that the case be passed to issue. If the Examiner feels that a telephone interview would be helpful to the further prosecution of this case, it is respectfully requested that the undersigned attorney be contacted at the listed telephone number.

Please direct all correspondence to **Myers Andras Sherman LLP**, 19900 MacArthur Blvd., 11<sup>th</sup> Floor, Irvine, California 92612.

Respectfully submitted,

/MZ/

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